



1204153 - R8 SDMS

Date
4/17/18

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Sue Zaynard (proof)	<i>for</i>	4/17/18
2. Doug Naftz	<i>DN</i>	4/17/18
3. Mike Rudy	<i>MR</i>	4/17/18
4. Andrea Madigan (Signature)	<i>AM</i>	5/16/18
5. Aaron Urdiales (Signature)	<i>AU</i>	5/16/18
6. Sue Zaynard (date, scan, and distribute)		
7. Andrew Schmidt, EPR (concurrency)	<i>AS</i>	4.19.18
8. Rebecca Thomas, EPR (concurrency)	<i>Thomas</i>	4/18/18
9. Bill Murray, EPR (concurrency)	<i>BM</i>	4/19/18
10. Sue Zaynard, ECEJ (date, scan, and distribute)		
11.		
12.		
13.		
14.		
15.		

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

Return to Doug after signing to complete index to lien record

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Doug Naftz

Room No. - Bldg.

Phone No. 312-6942



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ENF-RC

GENERAL NOTICE LETTER
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Richard Latzer, President and Chief Executive Officer
Transamerica Realty Services, Inc.
505 Sansome Street
San Francisco, California 94111-3106

Re: General Notice Letter and Notice of Intent to File Lien, Illinois Gulch Site located southeast of Breckenridge, in Summit County, Colorado, Superfund #A8-88

Dear Mr. Latzer:

The U.S. Environmental Protection Agency is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA" or "Superfund"), 42 U.S.C. sections 9601-9675.

The EPA has documented the release and threatened release of hazardous substances into the environment at the Illinois Gulch Superfund Site (Site) located southeast of Breckenridge, in Summit County, Colorado. In response to the release and threatened release of hazardous substances at the Site, the EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by the EPA pursuant to CERCLA.

Notice of Potential Liability

Under section 107(a) of CERCLA, potentially responsible parties (PRPs) may be held liable for all costs incurred by the EPA (including interest) in responding to any release or threatened release of hazardous substances at the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of the Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA has determined that that Transamerica Realty Services, Inc. (Transamerica) may be liable under section 107(a) of CERCLA with respect to the Site as a current owner at the Site.

Invitation to Discuss Future Response Actions at the Site

The EPA would like to meet with Transamerica to discuss the EPA's findings from the Combined Assessment completed at the Site (Attached as Enclosure 1)¹ and potential approaches to addressing releases and threatened releases of hazardous substances at the Site. We suggest holding such meeting at a mutually agreeable time at the EPA's regional offices in Denver. Please contact the EPA enforcement attorney assigned to this matter, Douglas Naftz, to schedule this meeting using the following contact information:

Douglas Naftz
Attorney, Legal Enforcement Program (8ENF-L)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303)-312-6942
Naftz.Douglas@epa.gov

Notice of Intent to Perfect Lien

Section 107(l) of CERCLA, 42 U.S.C. § 9607(l) provides that all response costs for which a person is liable to the United States shall constitute a lien in favor of the United States upon all real property and rights to such property which: (1) belong to such person, and (2) are subject to or affected by a removal or remedial action. Such a Superfund lien applies to all property owned by the potentially responsible party upon which the response action has been taken, not just the portion of the property directly affected by cleanup activities.

As a result of the response actions taken or to be taken by the EPA, the EPA hereby notifies Transamerica of the Agency's intent to file a lien against Transamerica's property that is subject to the EPA's response actions at the Site. The Summit County Colorado Assessor's information of the properties subject to the EPA's lien is included in Enclosure 2 to this letter.

The EPA has established a Lien Filing Record consisting of documents relating to its decision to file a notice of the lien. An index of this Record is included in Enclosure 3 to this letter. The Lien Filing Record is kept at the EPA Region 8 offices, and may be reviewed and copied at reasonable times by prior arrangement with:

Douglas Naftz
Attorney, Legal Enforcement Program (8ENF-L)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303)-312-6942
Naftz.Douglas@epa.gov

Transamerica may notify the EPA in writing within fourteen calendar days from the date of the mailing of this letter if the company believes that the EPA's information or belief supporting the filing of a lien

¹ Note: A full version of the Combined Assessment (including all tables, figures, maps, and attachments) can be provided electronically upon request to the EPA.



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REGION 8

1595 Wynkoop Street
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Based on the information collected, the EPA has determined that that Transamerica Realty Services, Inc. (Transamerica) may be liable under section 107(a) of CERCLA with respect to the Site as a current owner at the Site.

CONCURRENCES	Author + ext.	Print 1 st initial + last name	S. ZAYNARD	D. Nafitz	M. R. ...	R. Thomas	A. ...	G. ...	A. ...	
	D. Nafitz	Office code	8ENF-RC	ENF-L	ENF-L	EPR-SR	2PR-SR	8PR-SR	ENF-RC	
	6942	Date	4/17/18	4/17/18	4/17/18	4/18/18	4.19.18	4/19/18	5/1/18	

Invitation to Discuss Future Response Actions at the Site

The EPA would like to meet with Transamerica to discuss the EPA's findings from the Combined Assessment completed at the Site (Attached as Enclosure 1)¹ and potential approaches to addressing releases and threatened releases of hazardous substances at the Site. We suggest holding such meeting ~~within the next 30 days~~ at a mutually agreeable time at the EPA's regional offices in Denver. Please

contact the EPA enforcement attorney assigned to this matter, Douglas Naftz,³

as soon as practicable to schedule this meeting using the following contact information:

Douglas Naftz
Attorney, Legal Enforcement Program (8ENF-L)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303)-312-6942
Naftz.Douglas@epa.gov

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Transamerica may notify the EPA in writing within fourteen calendar days from the date of the mailing of this letter if the company believes that the EPA's information or belief supporting the filing of a lien

¹ Note: A full version of the Combined Assessment (including all tables, figures, maps, and attachments) can be provided electronically upon request to the EPA.

is in error. Also within those fourteen days, Transamerica may request in writing to meet with a neutral EPA official to present any information Transamerica has to show that the EPA does not have a reasonable basis on which to file a notice of lien. Transamerica should describe this information in its written request to meet with an EPA official. Any written submissions or request for a meeting should reference the Site and be addressed to Mr. Naftz at the address set forth above.

If Transamerica would like an informal meeting regarding this notice of intent to perfect a lien with EPA staff, in person or by telephone, prior to submitting anything in writing, or prior to meeting with a neutral EPA official selected to review Transamerica's written submission, please contact Mr. Naftz, whose address and telephone number appear above.

If the EPA receives a written submission or a request for a meeting from Transamerica regarding this notice of intent to perfect a lien within fourteen calendar days from the date of the mailing of this letter, the EPA will review Transamerica's submission or request for a meeting. If the EPA agrees, based on Transamerica's submission, that it does not have a reasonable basis to file a notice of a lien on the Property, the EPA will not file its notice of lien and will so notify the company. If the EPA still believes there is a reasonable basis on which to file a lien, Transamerica's written submission or request will be referred, along with the Lien Filing Record, to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting.

Transamerica may choose to attend a meeting via a telephone conference or in person. The EPA will be represented by its enforcement staff, including a representative from the Legal Enforcement Program. Transamerica may be represented by counsel. The meeting will be held before a neutral EPA official. This will be an informal meeting in which Transamerica may provide the EPA with information explaining why the EPA's position requires reconsideration. The meeting will not be conducted under rules of evidence or under formal administrative or judicial procedures. The sole issue at the meeting will be whether the EPA has a reasonable basis under CERCLA Section 107(I), 42 U.S.C. § 9607(I), on which to file a notice of a lien.

After reviewing Transamerica's written submission, or conducting a meeting if one is requested, the neutral EPA official will issue a recommended decision based upon the Lien Filing Record, as well as any written submission and any information provided at the meeting. The recommended decision will state whether the EPA has a reasonable basis to file a notice of lien and will be forwarded to an EPA official authorized to execute liens. Transamerica will be furnished a copy of the recommended decision and notified of the Agency's action.

Neither Transamerica nor the EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participating at a meeting, or issuance of a recommended decision by a neutral EPA official that the EPA has, or does not have, a reasonable basis on which to file a notice of lien.

Information that May Assist You

On January 11, 2002, President George W. Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which the EPA suggests that all parties evaluate. Transamerica may obtain a copy of the law at: <https://www.epa.gov/brownfields/summary-small-business-liability-relief-and-brownfields-revitalization-act> and review the EPA's guidance regarding Superfund at: <https://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund>.

Please give these matters your immediate attention and respond within the timeframes specified above. If you have any questions, please contact Douglas Naftz, EPA Enforcement Attorney, at (303) 312-6942 or Mike Rudy, Enforcement Specialist, at (303) 312-6332. Thank you for your cooperation in this matter.

Sincerely,

Aaron Urdiales, Director
RCRA/CERCLA Technical Enforcement
Program Office of Enforcement, Compliance
and Environmental Justice

Andrea Madigan Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

- Enclosure 1 - Combined Assessment for Illinois Gulch Superfund Site
- Enclosure 2 - Property Descriptions
- Enclosure 3 - Lien Record Index

cc: Gregg Snitker, Senior Attorney, AEGON USA Realty Advisors, LLC (via e-mail)
Daniel Goodman, Senior Counsel, Transamerica (via e-mail)
Eric Waeckerlin, Esq., Davis Graham & Stubbs LLP (via e-mail)
Douglas Naftz, 8ENF-L (via e-mail)
Mike Rudy, 8ENF-RC (via e-mail)
Dianna Lim, 8EPR-PS (via e-mail)
✓ Andrew Schmidt, 8EPR-SR (via email)

Enclosure 2

Property Descriptions

- 1) **Permanent Parcel Identification:** 2371-0530-00-008, **Schedule:** 6517456, **Property Description:** TR 7-77 Sec 05 Qtr. 3 Mining Claim(s) cont. 7.6678 acres GRAPHIC MS# 5785A Acres 2.4374 LITTLE CALLY MS# 5654 Sq. ft. 6788 OURAY MS# 5654 Sq. ft. 40887 TECUMESEH MS# 5127 Acres 3.4809 PT OF CLAIMS EAST OF BOREAS PASS
- 2) **Permanent Parcel Identification:** 2371-0530-00-007, **Schedule:** 6517457, **Property Description:** TR 7-77 Sec 05 Qtr. 3 Mining Claim(s) cont. 8.4760 acres IRON SPRINGS MILLSITE MS# 5785B Acres 3.9696 GRAPHIC MS# 5785A Acres 1.4979 LITTLE CALLY MS# 5654 Sq. ft. 4216 TECUMESEH MS# 5127 Sq. ft. 4751 PT OF GOVT LOT 68 SQFT 125368 PT OF CLAIMS WEST OF BOREAS PASS
- 3) **Permanent Parcel Identification:** 2371-0530-00-004, **Schedule:** 2809570, **Property Description:** TR 7-77 Sec 05 Qtr. 3 Mining Claim(s) cont. 3.5576 acres PUZZLE LODGE MS# 5599 Acres 3.5576
- 4) **Permanent Parcel Identification:** PPI: 2371-0530-01-001, **Schedule:** 400357, **Property Description:** Lot 1, 1 Dunkin Hill Sub #2

Enclosure 3

Lien Record Index

Record No.	Title	Description
[INSERT SEMS #]	Property Number 1	Summit County Assessor Maps show Transamerica Realty Services, Inc. as the current owner of Property No. 1 claims. Sheriff's Certificate of Purchase and Deed show Grantee for claims as Mortgage Trust of America (a predecessor of Transamerica Realty Services, Inc.).
[INSERT SEMS #]	Property Number 2	Summit County Assessor Maps show Transamerica Realty Services, Inc. as the current owner of Property No. 2. Sheriff's Certificate of Purchase and Deed show Grantee for claims as Mortgage Trust of America (a predecessor of Transamerica Realty Services Inc). Finally, a portion of the property was acquired from the U.S. Department of Agriculture in 1986 (Grantee identified as Transamerica Realty Investors).
[INSERT SEMS #]	Property Number 3	Summit County Assessor Maps show Transamerica Realty Services, Inc. as the current owner of Property No. 3. Sheriff's Certificate of Purchase and Deed show Grantee for claims as Mortgage Trust of America (a predecessor of Transamerica Realty Services, Inc.).
[INSERT SEMS #]	Property Number 4	Summit County Assessor Maps show Transamerica Realty Services, Inc. as the current owner of Property No. 4.
[INSERT SEMS #]	Transamerica Name Change Documents	On March 3, 1982 Mortgage Trust of America changed its name to Transamerica Realty Investors. On December 17, 1986 Transamerica Realty Investors changed its name to Transamerica Realty Investment Corporation. On December 31, 1989, Transamerica Realty Investment Corporation changed its name to Transamerica Realty Services, Inc.
[INSERT SEMS #]	EPA Cost Summary for Illinois Gulch Site	This shows the costs the EPA has incurred response costs at the Illinois Gulch site.
#1892843	Redacted Combined Assessment for Site Inspection/Removal Assessment at Illinois Gulch, Breckenridge, Summit County Colorado	The EPA's Combined Assessment report for the Illinois Gulch site shows that the property subject to the CERCLA section 107(I) lien is contaminated with hazardous substances. The report is lightly redacted to obscure personally identifiable information contained in appended maps.